(1) (3)

CH102

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

W.P. No. 2775 /2003

Petitioner : Bhartiya Karmachari Congress
Through its president
Shri Rajendra Prasad Sharma
S/o Late Shri Raghunandan Prasad
Sharma, aged about 43 years,
R/o Behind Vevekknand Ashram
Near Satakshi Mandir,
Gali No. II, Raipur (C.G.)

P. R. No. 26/9/03
Presented by Shri Rakesh Saini
dated 03/09/03

VERSUS

Respondents : 1. State of Chhattisgarh,
through : The Secretary
Home Department,
D.K.S. Bhawan,
Raipur (C.G.)

2. Collector, Raipur (C.G.)

3. Superintendent of Police
Raipur Distt. Raipur (C.G.)

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WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

1. PARTICULARS OF THE PETITIONER :

As given in the cause title.

2. PARTICULARS OF THE RESPONDENT :

As given in the cause title.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

आदेश पत्रक
WP 2773/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	9-9-2003 Smt. Savita Tiwari, counsel for the petitioner. Shri Sunil Sinha, Addl. Advocate General, for the State/ respondents. Heard. By this writ petition filed under Article 226/227 of the Constitution of India, the petitioner seeks to challenge the order dated 30-8-2003, passed by the respondent No.2 (Collector, Raipur), by which the permission granted to the petitioner to hold rally was cancelled. The petitioner's case is that the petitioner is a registered union and its registration number is 300 and having its Head Office behind Vivekanand Ashram, Near Satakshi Mandir, Raipur. The petitioner had submitted an application to the Collector, Raipur, for grant of permission to organize a rally on 30-8-2003, and the permission was also granted vide order dated 29-8-2003 in which five conditions were laid down. On 30-8-2003, the petitioner was informed by way of a publication in the daily newspaper namely Mahakaushal that the permission has been	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

आदेश पत्रक

WP 2775/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

-2-

cancelled. The petitioner organize the rally and around 7000 daily wage employees were invited to participate in the rally and incurred an expense of Rs.1,93,000/- and that permission was cancelled to the utter surprise of the petitioner at about 12'O clock.

By this writ petition, the petitioner has sought relief for grant of direct damages of Rs.93,000/- and for any other relief.

I have heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the date of rally has already been passed now the respondents may direct to accord permission to the petitioner to organize the rally on any other suitable date. In the first instance there is no such relief sought in the writ petition. The date of rally i.e. 30-8-2003 has already been expired and so far as the compensation is concerned for that the petitioner is at liberty to take appropriate action before the appropriate forum. More over the perusal of Annexure P/4 by which the permission was cancelled it has been mentioned that on account of the breach of the conditions the permission was cancelled. Therefore, there is no substance in this writ petition. However, for any future date the petitioner is at liberty to move the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(22)

आदेश पत्रक

WP 2775/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

respondents for permission to organize the rally and for which there is no bar and the respondents will consider the case of the petitioner in accordance with the prevailing rules and regulations for grant of permission for organizing the rally.

In view of the above, the writ petition is dismissed.

Consequently, M.(W).P.No.2541/2003 and I.A.No.8356/2003 stands disposed of.

Sd/-
L.C.BHADOO
Judge

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